

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GUILLERMO LUNA,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

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Civil Action No. **3:15-CV-475-L**

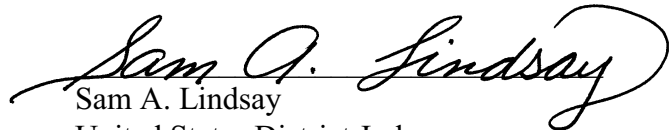
ORDER

On November 9, 2015, Magistrate Judge Irma Carrillo Ramirez entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) recommending that the court grant in part and deny in part Defendant Bank of America, N.A.’s Motion to Dismiss Plaintiff’s Second Amended Petition (Doc. 17), filed April 14, 2015. The magistrate judge recommended that the court dismiss with prejudice Plaintiff’s claims against Bank of America, N.A. (“BOA”) for alleged wrongful foreclosure, criminal attempt, criminal conspiracy, violations of the Texas Deceptive Trade Practices Act (“DTPA”), and violations of the Texas Debt Collection Practices Act (“TDCPA”). The magistrate judge recommended that the court deny BOA’s motion with to Plaintiff’s request for declaratory and injunctive relief and claims of common law fraud; trespass to real property; trespass to try title; quiet title; and alleged violations of the Federal Debt Collection Practices Act (“FDCPA”), Texas Property Code, and section 356.001 of the Texas Estates Code. No objections to the Report were filed.

Having reviewed the motion, response, reply, pleadings, and Report, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the

court. Accordingly, the court **grants** Defendant Bank of America, N.A.'s Motion to Dismiss Plaintiff's Second Amended Petition (Doc. 17) with respect to Plaintiff's claims for alleged wrongful foreclosure, criminal attempt, criminal conspiracy, and violations of the DTPA and TDCPA, and **dismisses with prejudice** these claims against BOA. Regarding Plaintiff's request for declaratory and injunctive relief and claims of common law fraud; trespass to real property; trespass to try title; quiet title; and alleged violations of the FDCPA, Texas Property Code, and section 356.001 of the Texas Estates Code, Defendant Bank of America, N.A.'s Motion to Dismiss Plaintiff's Second Amended Petition (Doc. 17) is **denied**. The court **recommits** this action to the magistrate judge for further proceedings in accordance with the Standing Order of Reference entered in this case.

It is so ordered this 12th day of January, 2016.


Sam A. Lindsay
United States District Judge